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ABSTRACT

In its life as a community, the Evergreen State College requires a social contract rather than a list of specific prohibitions and essentially negative rules. The contract, open to modifications over time and responsive to the changing circumstances sure to attend the institution's future, represents a commitment by each member of the college community to search for the set of agreements that define the spirit that is to be engendered at the college. This document summarizes the discussions to date of the concerns affecting the relationships of the members of the Evergreen community to themselves, to each other, to the college as an institution, and to the larger society of which the institution is an agency. (Author/HS)

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Social Contract

among the members of

the Community of

The Evergreen State College

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Introduction

In its life as a community, The Evergreen State College requires a social contract rather than a list of specific prohibitions and essentially negative rules. The contract, open to modifications over time and responsive to the changing circumstances sure to attend the institution's future, represents a commitment by each one of us to search for the set of agreements that define the spirit that we are trying together to engender at the College, that indicate the conditions that support the primary purposes for which Evergreen was called into existence, and that specify the principles under which all of us can live together as civilized and decent people who share the often very different excitements of learning.

Closely related to Governance and Decision-Making at Evergreen, this document summarizes the discussions to date of the concerns affecting the relationships of the members of the Evergreen community to themselves, to each other, to the College as an institution, and to the larger society of which that institution is necessarily and inescapably an agency. As a compact among people, this social contract calls for all associated with Evergreen -- students, faculty and staff, and Trustees -- to be signatories to it. Two issues of a procedural kind must be dealt with: One has to do with the process by which members of the community "become signatories"; the other focuses on the matter of timing.

The suggestion offered here is that the social contract, along with Governance and Decision-Making at Evergreen, be published in the catalog and that their publication be accompanied by a statement indicating that all persons who become affiliated with the College as students or as employees agree as a condition of acceptance or employment to conduct themselves according to the principles embodied in these documents. This arrangement precludes the necessity of collecting signature cards and of requiring the occasionally distasteful signing of formal "oaths."

On the matter of timing, the recommendation submitted at this point is that the Social Contract be accepted as the basis for the College's operations during 1971-1972, a year during which further discussions can be held with respect to its spirit, its principles, and its language. With its publication in the catalog for 1972-1973, the force of its contractual implications becomes official. Patterned in this manner, ex post facto considerations are avoided, and all of those presently on the Evergreen campus will have the necessary and appropriate chance to react to a statement of considerable importance to them but which was not available for their consideration prior to their joining the College community.

Basic purposes

The Evergreen State College is an association of people who come together to learn and to help each other learn. Such a community of learners can thrive only if each member respects the rights of others while enjoying his own rights. It depends heavily on a network of mutual trust and an atmosphere of civility; and it grows in its human utility only if each of its members lives up to the responsibilities

for honesty, fairness, tolerance, and the giving of his best efforts as those efforts are entailed by his membership. Students, faculty, administrators, and staff members may differ widely in their specific interests, in the degrees and kinds of experience they bring to Evergreen, and in the functions which they have agreed to perform. But all must share alike in prizing academic and interpersonal honesty, in responsibly obtaining and in providing full and accurate information, and in resolving their differences through due process and with a strong will to collaboration.

These considerations directly imply the necessity of an organized structure to achieve the goals of more effective learning, a system of governance that encourages widespread participation in the making of College decisions (See Governance and Decision-Making at Evergreen, statement of 10 June, 1971), and a full awareness on the part of every member of the community of how his behavior influences the climate and the spirit of the campus. If the spirit and climate of the College are to promote learning most effectively, then each member of the community must protect in an active, thoughtful, and concerned way (a) the fundamental rights of others in the community as citizens, (b) the right of each member of the community to pursue different learning objectives within the limits defined by Evergreen's resources in people, materials and equipment, and money, (c) the rights and obligations of Evergreen as an institution established by the State of Washington, and (d) the rights of all members of the community to fair and equitable procedures for determining how, when, and against whom the community must act when its safety or its integrity has been damaged. Even more important, however, is the requirement, difficult to define and impossible to legislate, that each member of the Evergreen community concern himself with how the College can become a more productive, more humane, and more supportive place in which to learn. This requirement entails an explicit and continuing consideration of the delicate balances in the relationship of the members of the Evergreen community to each other and to the institution itself.

Evergreen and society

Members of the Evergreen community recognize that the College is inherently and inescapably a part of the larger society as represented by the State of Washington, which funds it, and by the community of greater Olympia, in which it is located. From this state of affairs flow certain rights for the members of the Evergreen community, certain conditions of campus life, and certain obligations.

Among the basic rights are freedom of speech, freedom of the press, freedom of peaceful assembly and association, freedom of belief, and freedom from personal force and violence, from threats of violence, and from personal abuse.

Freedom of the press implies the right to freedom from censorship in campus newspapers and other media. Concomitantly, such publications are subject to the usual canons of responsible journalism, to the law of the press, and to the same conditions of self-maintenance that apply to other forms of public communication.

There may be no discrimination at Evergreen with respect to race, sex, religious or political belief, or national origin with respect to admission, employment, or promotion.

Because the Evergreen community is not separate or segrated from the larger society, the campus is not a sanctuary from the general law or invulnerable to the general public interest. The members of the Evergreen community are therefore obligated

to deal with the relationship between the campus and the larger society with a balance of forthrightness and sensitivity, criticism and respect, and an appreciation of the complexities of social change and personal differences.

The Evergreen community will support the right of its members, individually or in groups, to express ideas, judgments, and opinions in speech or writing. The members of the community, however, are obligated to make their statements in their own names and not as expressions of the College.

Each member of the College community has the right to organize his own personal life and conduct according to his own values and preferences so long as his actions accord with the general law, are in keeping with agreements voluntarily entered into, evince an appropriate respect for the rights of others to organize their lives differently, and advance (or at least do not interfere with) the community-wide purpose of more effective learning. In short, Evergreen does not stand in loco parentis for its members.

The conditions of learning

As a community of people who have come together to learn and to help one another to learn more effectively, Evergreen's members live under a special set of rights and responsibilities. Foremost among these rights is that of enjoying full freedom to explore the nature and implications of ideas, to generate new ideas, and to discuss their explorations and discoveries in both speech and print without let or hindrance. Both institutional censorship and intolerance by individuals or groups are at variance with this basic freedom. By a similar token, research or other intellectual efforts, the results of which must be kept secret or may be used only for the benefit of a special interest group, also violate the principle of free inquiry.

Serious thought and learning entail privacy. Although human accessibility is a basic value, and although meetings of public significance cannot properly be held in secret, all members of the Evergreen community are entitled to privacy in the College's offices, facilities devoted to educational programs, and housing. The same right of privacy extends to personal papers, confidential records, and personal effects, whether maintained by the individual or by the institution.

All members of the Evergreen community enjoy the right to hold and to participate in public meetings, to post notices on the campus, and to engage in peaceful demonstrations. In order to protect the safety of the community and to respect the equal rights of those who choose not to participate, reasonable and impartially applied rules, following established procedures of governance (See Governance and Decision-Making at Evergreen), may be set with respect to time, place, and use of Evergreen facilities in these activities.

Honesty is an essential condition of learning. Honesty includes (although it is not limited to) the presentation of only one's own work in one's own name, the full consideration of evidence and logic even when they contradict a cherished personal point of view, and the recognition -- insofar as it is humanly possible -- of biases and prejudices in oneself as one strives to become a more effective learner.

Another essential condition of learning is the full freedom and right on the part of individuals and groups to the expression of minority, unpopular, or controversial points of view. If the Evergreen community is to prove valuable to all its members, this right must be especially cherished, particularly when the predominant current of opinion, regardless of its character or its content, runs strong.

Related to this point is the way in which civility is a fundamental condition of learning. Only if minority and unpopular points of view are accorded respect, are listened to, and are given full opportunity for expression will Evergreen provide bona fide opportunities for significant learning as opposed to pressures, subtle or overt, to ride the main tides of purely contemporary opinion.

All members of the Evergreen community -- students, staff, faculty, administrators, trustees, and all others -- are under an obligation to protect the integrity of Evergreen as a community of learners from external and internal attacks, and to prevent the financial, political, or other exploitation of the campus by any individual or group.

Institutional rights and obligations

As an institution, Evergreen has the obligation to provide an open forum for the members of its community to present and to debate public issues, to consider the problems of the College, and to serve as a mechanism of widespread involvement in the life of the community. (See Governance and Decision-Making at Evergreen, sections on the College Forum and on the College Sounding Board.)

The College has the obligation to prohibit the use of its name, its finances, and its facilities for commercial purposes.

Evergreen has the right to prohibit individuals and groups who are not members of its community from using its name, its financial or other resources, and its facilities for commercial, religious, or political activities. This right is balanced by an obligation to formulate and to administer its policies in this regard in an even-handed manner.

The College is obligated not to take a position, as an institution, in electoral politics or on public issues except for those matters which directly affect its integrity, the freedom of the members of its community, its financial support, and its educational programs. At the same time, Evergreen has the obligation to support the right of its community's members to engage, as citizens of the larger society, in political affairs, in any way that they may elect within the provision of the general law.

The individual members of the Evergreen community have the responsibility for protecting each other and visitors on campus from physical harm, from personal threats, and from uncivil abuse. Similarly, the institution is obligated, both by principle and by the general law, to protect its property from damage and unauthorized use and its operating processes from interruption. At the same time, it also must guarantee the right of the members of its community to be heard at appropriate levels of decision-making with respect to basic matters of policy and other issues of direct concern. As a community, Evergreen, through its governance structures, has both the right and the obligation to establish reasonable standards of conduct for its members in order to safeguard the processes of learning,

to provide for the safety of its members, to protect the investment of the people of the State of Washington in its properties, and to insure a suitable respect for the very different tastes and sensibilities of its members. For these reasons, the law empowers the President or his designees to intercede whenever, in his (or their) judgment, a clear and present danger to these concerns exists.

The issue of strikes

The strike, including such variant procedures as the boycott and the prolonged demonstration, has been formally institutionalized in industrial society as one means of effecting change. It is recognized at law, has generated its own official personnel, and operates according to relatively common understandings. Because the strike bases itself in adversary rather than collaborative relationships, it is an inappropriate means of seeking change at Evergreen. Nevertheless, an awareness of human frailty and the complexity of our times suggest that, in spite of hopes that strikes will not need to occur within our community, wisdom and prudence call for some relevant concepts and policies from the outset.

As an effective means of demonstrating moral commitment and the courage of one's convictions, a strike entails costs; those who choose to strike must put something of value on the line that they choose to draw. Otherwise, a strike readily degenerates into a kind of hybrid -- part party and part parade with little moral or intellectual meaning. It is for this reason that industrial workers do without their pay when they, for explicit purposes, withhold their labor.

Because there is no reason for a campus to enjoy exemptions from these principled conditions, two entailments follow: First, both as an institution and as a community, Evergreen has the right to deny pay and academic credit to its members who participate in strikes. Second, that right is balanced by an obligation to accept legally conducted strikes without dismissing those who participate in them.

Difficulties here are more probable in connection with the denial of credit than with the denial of pay. If striking students are able to meet their full academic obligations, then the notion of Evergreen as a community of learners argues against their having credit withheld. The judgment of Program Coordinators and of Supervisors of Learning Contracts has a central and basic importance here; but when Program Coordinators and Supervisors of Contracts may also have been involved in a strike, then the question arises of the extent to which their judgment is uncontaminated and of how free they may be from conflicts of interests. Specific and detailed procedures must be developed to cope with these contingencies, but the basic means of arriving at equitable decisions are provided by the sections on adjudication in Governance and Decision-Making at Evergreen.

Judicial action

Although the mechanisms of suit and litigation are obviously essential at Evergreen, they represent the last resort within a viable community. In this social contract among Evergreen's members, our concern is less on governmental and policy-oriented issues, which are covered primarily by Governance and Decision-Making at Evergreen, and more on the personal relationships among its members and between various groups, both formal and informal, that may come into existence. In these realms of human relationships, judicial action is a less desirable way of resolving difficulties

in a genuine community than are more informal methods of mediation. The processes outlined here touch, therefore, on three levels of conflict-resolution: informal mediation, formal mediation, formal arbitration and enforcement, and, where necessary, a means of appeal.

Informal mediation

To begin with, it is expected that members of the Evergreen community who come into conflict with one another will make a determined effort to resolve their problems peacefully and quietly by themselves. When unable to work out their differences in this direct fashion, then they may resort to informal mediation in which no records are kept, no formal bodies are convened, and no "law" need be (although it may be) referred to other than the terms of this social contract. By mutual agreement, the parties to a dispute may call in a third party of their own choice to help them; they may request counseling help from some other member of the community; they may invite or accept intervention by one of the Student Facilitators, or they may select a moderator from the Community Service List. These possibilities are not at all exhaustive; the people in conflict can choose any other method that is mutually acceptable to help them clear up their problems in a peaceful and quiet fashion. The great majority of disputes are expected to find resolution at this informal level, and the obligation of the community is to insure the availability of these kinds of methods.

Formal mediation

When informal processes fail to produce satisfaction, then the parties to a dispute may, following procedures outlined in Governance and Decision-Making at Evergreen (pp. 10-11), convene a jury from the Community Service List to decide the issue between them. To convene the jury, evidence must be presented that informal efforts at settlement have been tried in a bona fide way. The task of the jury is essentially that of mediation; its functions are to resolve a conflict, to provide guidelines for the disputants to consider in their future conduct, and to record its opinion. Although its judgment is final, it has no power to enforce its findings or to penalize the party to the conflict whom it finds at fault if, indeed, it identifies one of the disputants as "wrong" in some sense.

Only if, after such a jury decision, the conflict or dispute flares anew is a Board of Judgment convened, again from the Community Service List, with powers of enforcement and penalty. The Board is bound by the opinion of the preceding jury. Its task is to determine whether that opinion has been violated, to enforce that opinion and to apply suitable penalties when necessary, and to record its action.

Appeal procedure

If the action by the Board of Judgment is unsatisfactory, then an application for appeal may be entered with the All-Campus Hearing Board. The All-Campus Hearing Board may accept or reject the appeal. If it accepts, then it has the power to review the original opinion of the jury as well as to consider the actions by the Board of Judgment. The only appeal within the institution is by petition to the Board of Trustees. The Board of Trustees may also, on its own motion, review the decision of the All-Campus Hearing Board and affirm, modify, or reverse that decision.

Off-campus offenses

There remains the problem of double jurisdiction or the extent to which the Evergreen community may have an appropriate interest in the implications of offenses that are committed outside its own precincts. This problem is a very real one, but the general principle is that, unless the nature of the offense raises questions about the suitability of the person's membership in the Evergreen community, his payment of penalties exacted by the general law of our society absolves him from paying additional penalties under the rules of the College. This position is consistent with the fact that Evergreen does not stand in loco parentis. An additional entailment of this stance, however, is that the College cannot properly intervene in behalf of its members if and when they come afoul of the general law. This position in no way precludes, of course, actions by individuals in their own names and on their own responsibility; such actions fall within the inherent rights of citizenship fully recognized by Evergreen.

The question of a general community interest may be raised only when members of the Evergreen community have been convicted of off-campus offenses. When, in the light of such a conviction, a member of the Evergreen community believes that the offender has, by the nature of his offense, demonstrated a lack of fitness to continue as a student or an employee of the College, he may request in writing a hearing on the issue by the All-Campus Hearing Board. Initiative rests entirely with the person who is involved.

When hearingsare requested, they must, of course, be conducted in public. If the finding of the All-Campus Hearing Board is unsatisfactory, then a petition for appeal may be filed with the Board of Trustees of The Evergreen State College. If the appeal is accepted, then the hearing by the Board of Trustees must be held promptly and in public with its decision being final. In accepting an appeal, the Board may, however, appoint a panel of Hearing Officers to take testimony which the Board will then review in arriving at its decision. On its own motion, the Board of Trustees may also review any decision of the All-Campus Hearing Board and affirm, modify, or reverse that decision.

Final prodedural notes

In both this statement of the Evergreen Social Contract and in Governance and Decision-Making at Evergreen, a number of important procedural clarifications are still necessary. Several members of the present Task Force on the Social Contract have expressed interest in helping to formulate those procedures and to work them out in the necessary greater detail. If acceptable to the community, then the appropriate members of the Task Force and interested members of the Committee on Governance could profitably assemble to identify the problems and to begin to move toward their speedy solution.

This document is subject to review and change by processes analogous to those which brought it into being.

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